

SPECIAL MEETING of the CORNWALL TOWN BOARD was held on the 22nd day of April in the First Floor Court Room, 183 Main Street, Cornwall, NY

PRESENT: Supervisor
Councilpersons

D. KEVIN QUIGLEY
ALEXANDER MAZZOCCA
ELIZABETH LONGINOTT
RANDOLPH CLARK
MARY BETH GREENE

Also PRESENT: STEVE GABA representing attorney for Town, JAMES R. LOEB, Esq., and planner LESLIE DOTSON, of Garling Associates.

Pledge of Allegiance

Cornwall Commons: Attorney Gaba advised that we should allow the developer and his attorney to orient and refresh everyone's recollection on Cornwall Commons. Mr. Gerald Jacobowitz introduced himself as the attorney for the developer of Cornwall Commons, Mr. Joseph Amato. Mr. Jacobowitz explained that the project is on the west side of 9W adjoining the Town of New Windsor on its southern and western side; on its southern side is bounded by a mix of things including the project that did not get finished by Ginsberg, and then off of Schofield and Frost. The concept is to have a ring road beginning and ending on 9W. The project received project subdivision approval for 10 lots. The 10th lot is the residential component served by public water and sewer. Part of this project requires connection to the water system which is a benefit to the community, because at the present time, the water services end by Schofield and Frost and this project will be the connection to loop the line to the other side of 9W. Connection to the sewer will be on Academy and that will require the construction of both a gravity and a force main and pump station. Interior water and sewer lines, storm water drainage, shade trees, street lights are all at the expense of the developer. There will be a traffic light at the southern most entrance into the property and significant improvements to 9W, including the new design for the dangerous intersection at Academy and Route 218. The residential component consists of 490 residential dwellings, 14 townhouses 382 single family detached homes and the balance will be apartment type/flats. The proposal before the Board is that originally this was going to be 100% planned adult community (PAC); however, the time and the Town's comprehensive plan point to a different direction. That direction is a mix of demographics as is stated in the recommendations from the Orange County Planning Department upon review of your comprehensive plan. The senior component consists of single family, townhouse and apartments for a total of 108 units. There will be a central community area which will have a community building, tennis courts, basketball, bocce ball, shuffle board, and a swimming pool near the center of the property. A suggestion was made that there should also be open space areas for tot parks and play fields. There are now three designated areas for this use; with equipment subject to planning board site plan review. There will also be congregate care, assisted living dwellings, commercial/retail/ office buildings, hotel /motel, medical, dental, restaurant is in the Town's zoning law and this project is consistent with that. Attorney GABA advised that that was a good summary of the plan. Mr. GABA explained that the commercial properties are going to be along the ring road and will be designated and built as a Town road, with all the other roads of the development coming off of the ring road as private roads. There are 490 units and they have asked for a certain number to be non-restricted; 108 units to be for senior citizens and the balance 382 would be market rate non-restricted. The Comprehensive Plan calls upon the Board to re-evaluate the provisions of the PRD zone, which this property is in the only PRD zone in the Town, limiting uses to age restricted senior citizen housing; which we are certainly doing here. However, any change should maintain the

character of the proposed Cornwall Commons as a senior citizen complex. With the change of the demographic, you have to question if the proposed zoning change maintains the character of Cornwall Commons as a senior citizen complex, and until you answer that question, you will be really hard pressed to go forward with the other elements. Mr. Jacobowitz advised that the comp plan was worked on by a committee that the Board had designated, and over a period of 18 months that committee provided the Town with a plan that was adopted in 2012. The Comprehensive Plan on page 58 section 5.7.6 PRD so called Planned adult communities are residential developments of at least 100 or more age restricted units limited to residents without children; the Cornwall Commons plan calls for 108 units. Councilman CLARK asked Mr. Jacobowitz if the Commons plan had 5000 units of which 100 were slated for seniors, would he still call it a Planned Adult Community. Mr. Jacobowitz responded; yes based on the language in the Comprehensive Plan. Mr. Jacobowitz advised that the State of New Jersey changed the law to provide for 20% senior residences instead of 100%, the Village of Goshen waived completely on a 48 unit project, the city of Middletown waived on a 132 unit project, New Windsor and Fishkill also repealed it. The Town of Cornwall is not repealing it; you are saying that you still want to have that type of community in you Town, you provided for it in the Comprehensive Plan, and the standard is at least 100 units, therefore, it still maintains the character of a PAC. Mr. Jacobowitz added that there is no restriction on selling 100% to people 55 and over as the market will generate, but we cant go the other way. If there are no buyers in this market for seniors, we have to sett market rate. It would not make sense to limit the number of interested persons who would wish to buy that are over the age of 55, however, there are some people over that age who do not want to live among only older people, but want to live where there are children, running and playing and engage in activities with there neighbors. The Cornwall Commons Project includes three different types of housing to make everyone happy. The Orange County Planning Department cited that they do not recommend an exclusionary age community if you want it to be sustainable, because you want people who are going to buy furniture and want services who do not have a house full of furniture over the years, but want younger families who are going to be consumers, and will spend money in your community. Who is going to open a business if they don't think there will be a customer, nobody, as you have seen with the difficulty that you have getting Main Street to be a vital economic engine for your community. If you look and compare the services on Main Street to what is being sold on Main Street, the overwhelming number of occupants are service providers, not people selling things. The reason is you can't sell things is that you do not have the customers. Lastly, the reality of financing this project; to get the first flush, to sell the first unit, it will take over seven million dollars in capitol investment. Everything on Route 9W from the entrance road to the circle, the sewer the water will all be part of phase 1. The next phase will generate a cost of over 20 million to finish all the other roads and the other amenities that are part of this project. It is extremely unlikely that a lender is going to loan money of that magnitude, which is needed here, knowing that they may not be able to sell the units because the market is so restricted. They want to know there will be no impediment to be able to sell units, because that will get them their money back. The other side of it is you take your risk and too bad for you; but it's not quite that simple because you want projects that are going to get finished. You want the benefits from this project; there is almost \$800,000 in new Town taxes coming from this property. The school district is going to have over a net of \$1,000,000 revenue over and above the cost to educate the children. You will have almost \$2,000,000 in fees and contributions under all your applicable laws for this project, building permits, park fees, contribution to sewer capitol fund; these are important revenue streams for your community. The Town does not want to raise taxes and the State does not want you to go above a 2% Cap; so you need revenue streams. Attorney GABA added that the Board has a lot to consider in regard to the issue of if the proposed zoning changes are consistent with the Comprehensive Plan, and asked if the Board wanted to go forward with the other issues or address this one first. Councilman CLARK stated that the first issue is the most important issue; if we are not prepared to move past that, don't we kind of make

the rest of this evening moot? Attorney GABA advised that the Board may want to mull it over. Councilwoman GREENE stated that these 490 units were approved based on the fact that they were to be PAC, and after reading all the material, and staying on top of this, she wants to know if there has been any other discussion regarding less density, and she is not hearing that from Mr. Jacobowitz's side that that is a possibility. Mr. Jacobowitz advised that under the zoning that is applicable for a PAC, we could have 540 units, they reduced it by agreement with the Town to 490 and that is in the developer's agreement. We reduced it by 11%. If you reduce the density by whatever percent, all the other costs go up for all the other units because you still have to build the road, you still have to build the sewer and water lines, you still have to build the clubhouse etc.. Councilwoman GREENE stated that you have changed the scope of the zoning. Mr. Jacobowitz responded that they were changing the demographic of the zone and the demographic is an idea that the County Planning Department is suggesting to you. Mr. Jacobowitz asked if the Board could establish that this project is good planning. Councilwoman GREENE advised that she loved the number 325 or 350 and have half of that slated for 55 years of age and older. Mr. Jacobowitz advised that doing that will not allow the project to be successful, and you have just reduced the revenue stream to the Town and school district by 30%. Councilwoman GREENE stated that there would also be fewer students. Mr. Jacobowitz advised that fewer students are irrelevant. Mr. Jacobowitz stated that Maybrook closed an elementary school because there are no kids; their budget is going to go up 9%. What is in the best interest of the Town in 2013; there is a revenue squeeze for the next who knows how many years. This project will bring in new revenues, new resources, younger people into your community. The population in Cornwall in ten years went up less than 3%, and the Village population went down 1.3% in ten years; the trend is not where you want to be in order to be a vital community. From a financial standpoint, reducing the number of units is not going to be viable. Councilman CLARK stated that he agreed with Councilwoman GREENE that as the two sitting bodies on the Board when this project was started, he made all his decisions based on this project being a planned adult community, and he did not see this project fitting with our Comprehensive Plan and he thinks that that is a decision the Board needs to make before moving forward; does this plan fit the future based on studies, based on the procedures that were carried out 13 years ago; it is a major change and I do not think it fits under the current plan and he would like to see Mr. Amato and Mr. Jacobowitz come back with a less dense proposal. Councilman CLARK recalled that everyone bent over backwards to make this a Planned Adult Community, and the studies that were done on traffic, sewer and water, I have read all your reports, and I do not agree that there is no material change. As for the students, I do see a major change; I do not believe in the study numbers, and I didn't believe them in August of last year. Mr. Amato responded that in one part of the Comprehensive Plan it says that the Cornwall Commons is not viable due to a lack of market, in another part it states that there is a clear need to re-evaluate the provisions of the Town's zoning code regarding residential development; so if you are interested with going with the times; because people who are 55 plus have lost value in their homes so that they are not able to do what they were going to do in 2005 & 2006. We have people who have lost their jobs, or lost money in the stock market, so the people that would have been a market here, no longer exist. Mr. Amato stated that he believes that this project is good for the Town of Cornwall, and the studies that he used were the same ones as recognized by the Town's own planners regarding the number of school kids. The water and sewer is something that was established by the County Health Department. The traffic is really no different. Mr. Amato stated that the Town's Comprehensive Plan, if you want to, provides you with an opportunity to re-evaluate your residential zoning, and will produce something positive and not play politics to reduce density because by reducing density, you reduce your income. This project would be built gradually over time and this community would not have its taxes raised; his taxes on his home in Cornwall have more than tripled over the years. Mr. Amato advised that he sat on a blue ribbon commission years ago to bring in retail to the Town; nothing has happened. He is saying that he is going to bring a hotel, retail into the Town congregate

care facility with over 100 beds for seniors. You have to understand that the people of Cornwall are subsidizing the kids coming from Woodbury and New Windsor. Mr. Amato does not understand what the negative in to the Town. Upon walking through the Town last week, he realized that buildings are falling apart, there are hardly any business here; it's all gone down hill. The amount of married couples has decreased in the Town; young people are not staying but moving elsewhere; these are your numbers. Councilman CLARK stated that he would like Mr. Amato to come back with a plan that makes more sense; he made his decisions based on a planned adult community and these studies that you refer to were done for a Planned Adult Community. Mr. Amato advised that he sat here 10 years ago with a mixed use plan which included the Town high school to be build on this property and what happened, a dozen people jumped all over the plan. The high school ended up in New Windsor, and he has heard from so many people that it is so bad that we did not get the school built on his property. Mr. Amato stated that he was not going to rip up this plan and start all over again, and that he understood that Councilman CLARK was concerned about everyone in Town but that this was an opportunity to have a positive revenue stream for both the Town and school district. Councilwoman GREENE stated that we have to look at the density, the density is the number one reason for the 490 for the PAC vs. another number to address the parking issues and being a member on the Board for 15 years and having gone through Idlewilde and the Landmark senior complex, we understand and we know the issues that we have to go through and her biggest concern is the change to the demographic including single houses; a family with children who need to park their car somewhere. Mr. Amato believes that there are more spaces that are required under the Town's code. This project is only 3 units to the acre; take a walk around Town and see how many units are around here per acre. Mr. Amato advised that the letter they sent a letter advising how many parking spaces there are as well as a lot of other questions. Councilwoman GREENE advised that the letter was just received today by the Board. Mr. Amato suggested that the Board take some time to review the letter and we could continue on some of the other points in 3 or 4 weeks. Mr. Amato believes that you do not want us to rip up this plan. Councilman CLARK advised that he did not want to see the whole plan torn up but scale it down with the market ratable side. Councilman CLARK advised that page 60 of the memo states that the Town should re-evaluate its provisions of the PRD zone limiting uses to age restricted senior housing, however, any change should maintain the character of the proposed Cornwall Commons as a senior citizen complex. This does not maintain the character of a senior citizen complex. Mr. CLARK believes that the Comprehensive Plan should be revised to say percentage and not a particular number of units as that makes more sense. Mr. Jacobowitz stated that that is what the Comprehensive Plan currently states and why are they not entitled to the benefit of what the Comprehensive Plan says now as the Board voted and approved it. Mr. Jacobowitz stated that this is just politics, being an election year. Mr. Jacobowitz addressed Councilwoman GREENE stating that there are 1943 parking spaces which is 898 more than is needed under your code so what your talking about parking being inadequate is incorrect. Also the road is 28' wide and not 26' as required by the road spec, so for you to say that they are not meeting a basic issue such as parking is not fair. Mr. Amato again stated that the Board should review the letter that was sent to answer a lot of these questions. Mr. Amato stated that he was very confident that all his figures are correct and felt it would be a tragedy for this Town to bypass this project. Who is coming in here with a hotel site, a congregate facility, Mr. CLARK you can say that the congregate care facility would house another 100 senior units. Councilman CLARK stated that he agreed 100% with Mr. Amato's commercial analysis, especially with the recent fires we are out on commercial space, why couldn't you downsize the residential and increase the commercial. Mr. Amato responded that when speaking with people interested in the commercial space, they advised that they would like to know that there is a number of units across the way to make them comfortable to come and build in the Town. Mr. Amato suggested that the Town take the approach that in the span of 5 years the Town allow 80 units per year (3 per acre) be built; this is a way to control the density to the Town. This will give the

Town a gradual absorption instead of having it built all at once. Attorney GABA advised that the Board has to make a decision of whether it wants to discuss the other issues or decide now if this project stays in character with a senior citizen complex, or put it on hold to mull it over. Supervisor QUIGLEY advised that he believed that it would be best to mull it over first. A woman who did not identify herself advised that she believed that she would have a chance to make comments tonight. Supervisor QUIGLEY advised that it would be better if she heard from all parties first, including our attorney and our planner but if she wanted to make comments without all the pertinent information, then that was up to her. Councilwoman GREENE asked if the Board was in favor of this or did they want to hear from our planner and our attorney. Councilman CLARK advised that he agreed that we should listen to what our planner and attorney had to say but also wanted to know if the Board is not going to entertain the changes because it does not fit, we could pole ourselves right now and save a lot of discussion, but if we are in favor of moving forward then the residents will have a say. However the purpose of the meeting was to hear from all parties; the developer, our attorney and our planner; this was not meant to be a public hearing. Councilwoman GREENE added that after the Board and the public heard from the Town consultants, then the public would get a chance to speak. A woman from the public stated that it would be better if the Board tabled this meeting and rescheduled in a larger venue where all the members of the public could actually fit in the room and be able to hear what is going on. Councilman MAZZOCCA stated that he would like to see a little more order hear because this was a Town Board Meeting and people were yelling and being rude and that was not the way to conduct business. A gentleman from the audience who did not identify himself, stated that since the Board has just today received a packet from the developers attorney explaining certain issues, that it would be in the Town's best interest if tonight's meeting was tabled for another time and place that could accommodate everyone. Attorney GABA advised that he thought that there is misunderstanding as to where we are in the process here. The Town Board is not acting on a local law, the Board is trying to decide if it is interested if going forward with a zoning change such as the one proposed by the developer. If it decides to go forward, a specific draft will be prepared, we will begin SEQRA review on that, we will hold a public hearing and at the public hearing the dialogue that you are talking about, the chance to see the documents, the opportunity to pose questions will occur then, but we are not at that stage yet. Attorney GABA added that you can make comments at this stage, but the questions are asked at the public hearing. Mr. Amato advised that there is a wealth of information on Cornwall Commons on a new web-site called cornwallcommons.com. It traces the history of what has been done; it maps out what we want to see in the future, and gives you all the facts and information. A motion to table the Cornwall Commons portion of the meeting was made by Councilman CLARK, seconded by Councilwoman GREENE.

ROLL CALL VOTE: Unanimous Aye. Supervisor QUIGLEY advised that he would let the public know about the rescheduled meeting.

A Motion that the Town Board **not** take any action without hearing all public input was made by Councilwoman GREENE, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

Sewer: Supervisor QUIGLEY advised that we had a capital improvement that needed to be done on a piece of equipment (flo deflector) in the amount of \$3,750 as per DEC requirements. A motion to approve was made by Councilwoman GREENE, seconded by Councilwoman LONGINOTT.

ROLL CALL VOTE: Unanimous Aye.

COVAC: Supervisor QUIGLEY advised that we had a repair on an ambulance in the amount of \$770. A motion to approve was made by Councilwoman GREENE, seconded by Councilwoman LONGINOTT.

ROLL CALL VOTE: Unanimous Aye.

COVAC Contracts: Attorney GABA advised that the Board entered into the 2013 EMS agreement with COVAC last month, and there are two other agreements that need to be place in order to get everything functioning. The first one is the billing contract. It turns out COVAC entered into a billing contract back in February and after review and some comments, attorney GABA heard from the billing company's attorney, Brad Pinsky who states that he has no objection to the changes that we want to make. Attorney GABA suggested that we allow COVAC to bill under the existing agreement and have the revised agreement executed either at the Work Session or at the next monthly meeting or it could be done right now. A motion to approve the revised billing contract was made by Councilman MAZZOCCA, seconded by Councilwoman GREENE.

ROLL CALL VOTE: Unanimous Aye.

Attorney GABA explained that the second contract that needed to be addressed is the ALS rider to the EMS Agreement. Basically what it does is amends the existing EMS Agreement by providing that the Town's ambulance district is going to pay the ALS when they come in. The EMS bill then goes out with the ALS charges on it, gets collected and the Town will take out those ALS charges before paying any proceeds back to COVAC. A motion to approve was made by Councilman CLARK, seconded by Councilwoman GREENE.

ROLL CALL VOTE: Unanimous Aye.

Lastly attorney GABA added that COVAC is going to need to enter into an agreement with ALS providers. The two we know of is Trans Care and Care One. Trans Care indicated that they did not have any problems with our proposed changes, but he did not speak with Care One at all. A motion to approve the modified ALS agreement with Trans Care was made by Councilwoman GREENE, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye.

KJ Wells: Councilman CLARK asked for clarification from our attorney because we voted last month that we were not going to tax exempt those properties. Attorney GABA advised that the County decided to exempt them for their portion of what they would have owed. Councilman CLARK stated that now that the properties are taxed by the Town and not taxed by the County, does this open up a can of worms for the Town. Attorney GABA advised that it would not be an issue.

NYMA: Councilman CLARK advised that nothing happened on April 10th when the agreement between NYMA and Obridge was supposed to be signed. The new agreement is scheduled to be signed on May 10th 2013.

Sands Ring Homestead: Councilman CLARK advised that he and Superintendent of Building & Grounds, Albert Conley did a walk through and the building needs much more than just a new roof. The wall is bulging in the back, water damage everywhere. He did reach out to Cornelia Bush to try to get some emergency funding and is trying to find the \$15,000 in funds that were collected by the Friends of Sands Ring group. The kitchen seems to be ok for use of the plant sale for the Cornwall Garden Club. Mr. Conley believes that we will need a significant amount of money to fix everything. A structural engineer is coming tomorrow to see how bad it really is.

Public Comment: Mr. Doug Land thanked the Board for listening to a little bit of an unruly crowd but wanted to say that it was really a positive event because people came out to participate. Mr. Land

suggested that we might set up a time agenda/ time slots for the next meeting so the public will know how much designated time the developer will have to speak and then their attorney will have to speak, and so on. There being no further business to conduct, a motion to adjourn was made by Councilman MAZZOCCA, seconded by Councilman CLARK.

ROLL CALL VOTE: Unanimous Aye. Meeting adjourned at 8:55 P.M.

Renata McGee
Town Clerk